



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640

February 6, 2018

Office of Counsel

Regional Freedom of Information Officer  
U.S. EPA, Region 4  
AFC Bldg, 61 Forsyth Street., S.W., 9th Flr (4PM/IF)  
Atlanta, GA 30303-8960

RE: Freedom of Information Request No. FP-18-07787, Thad Padgett

Dear FOIA Officer:

This letter concerns the enclosed Freedom of Information Request (FOIA) request from Mr. Thad Padgett, Mitigation Management, dated January 11, 2018. This FOIA request relates to the proposed Upper Oconee Branch Mitigation Bank (SAS-2016-00808).

In reviewing the responsive records, a portion of one email was identified as originating with U.S. EPA Region 4, Ocean, Wetlands & Streams Protection Branch. Because this portion of the email originated within your agency, it is being referred to your agency for a release determination and direct response to the requester.

We have notified Mr. Padgett of this partial referral and informed him that you will respond directly to him concerning this portion. Should you have questions regarding this referral, you may contact me directly at 912-652-5769 or [kerry.p.dodd@uasace.army.mil](mailto:kerry.p.dodd@uasace.army.mil).

Sincerely,

A handwritten signature in blue ink, reading "Kerry P. Dodd", is positioned above the typed name.

Kerry P. Dodd  
Freedom of Information  
Act Officer

3 Enclosures

1. FOIA Request FP-18-07787
2. Referred Email-Original without redactions
3. Referred Email-Response to Requestor

January 11, 2018

Sent Via [Email: kerry.p.dodd@usace.army.mil](mailto:kerry.p.dodd@usace.army.mil)

Ms. Kerry Dodd  
FOIA Officer, Office of Counsel  
U.S. Army Corps of Engineers, Savannah District  
P.O. Box 889  
Savannah, GA 31402-0889

Ms. Dodd:

The purpose of this letter is to file a formal request for documents pursuant to the Freedom of Information Act.

I formally request a copy of any Draft Prospectus, Prospectus, Banking Instrument, or Response to Comments submitted by the project applicant to the Corps regarding the proposed Upper Oconee Branch Mitigation Bank (SAS-2015-00446). I am also requesting:

- Any letters sent from the Corps to the project sponsor concerning this project
- Any IRT comments sent from an IRT agency to the Corps concerning this project
- Any email correspondence between the Corps and the project sponsor concerning this project

We would appreciate this information being provided in an electronic format. I am willing to pay up to \$500 in fees for this request.

Thank you for your consideration of this request.

Sincerely,

Thad Padgett  
Mitigation Management, LLC  
(706) 540-2155  
[thad@mitigationcredits.com](mailto:thad@mitigationcredits.com)

**Mailing Address for this request:**  
**1551 Jennings Mill Road**  
**Suite 1800-B**  
**Watkinsville, GA 30677**

## Gill, Cassandra C CIV USARMY CESAS (US)

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**From:** Somerville, Eric <Somerville.Eric@epa.gov>  
**Sent:** Tuesday, March 1, 2016 11:30 AM  
**To:** Brannon, Elisha A CIV USARMY CESAS (US); Wiedl, Stephen; Goodloe, Robin; Prowell, Eric; Johnson, Tamara  
**Cc:** Hammonds, Justin A CIV USARMY CESAS (US)  
**Subject:** [EXTERNAL] RE: Upper Oconee Wetland Bank

I will ask if any of my colleagues can or wish to get involved with this site.

I note a few items of particular interest in your 8.24.15 letter:

#2. The notion that a project sponsor would propose to divert all water out of a stream in order to "restore" wetlands is flabbergasting. Granted, I do not know the nature of either the stream or the wetlands, but unless some firm historical evidence exists to indicate that the "stream" is really little more than a ditch excavated to drain those same wetlands, I could not conceive of a scenario where I would agree that such an approach would be wise. I am glad to see that you also criticized the idea.

#3. Hooray for backfilling all ditches completely, in lieu of only discontinuous plugs!

#4. Ditto pointing out that the Mid Oconee River likely formed whatever wetlands used to exist on the site, but never will again. That whole site is mapped Chewacla-Wehadkee Complex soils. This complex is 70% Chewacla (non-hydric) and 30% Wehadkee (hydric). So, I suspect that the bottom of the swales (perhaps they are relict backswamp sloughs) parallel to the river are Wehadkee and likely hydric. The main part of the valley flat, however? Good chance those are Chewacla, and it's an uphill battle there.

Eric Somerville

U.S. EPA Region 4 | Ocean, Wetlands & Streams Protection Branch c/o SESD (F120-6) | 980 College Station Road | Athens, GA 30605-2720 tel 706.355.8514 | [somerville.eric@epa.gov](mailto:somerville.eric@epa.gov)

-----Original Message-----

**From:** Brannon, Elisha A SAS [<mailto:Elisha.A.Brannon@usace.army.mil>]  
**Sent:** Friday, February 26, 2016 10:10 AM  
**To:** Wiedl, Stephen <[Stephen.Wiedl@dnr.ga.gov](mailto:Stephen.Wiedl@dnr.ga.gov)>; Somerville, Eric <[Somerville.Eric@epa.gov](mailto:Somerville.Eric@epa.gov)>; Goodloe, Robin <[robin\\_goodloe@fws.gov](mailto:robin_goodloe@fws.gov)>; Prowell, Eric <[eric\\_prowell@fws.gov](mailto:eric_prowell@fws.gov)>; Johnson, Tamara <[tamara\\_johnson@fws.gov](mailto:tamara_johnson@fws.gov)>  
**Cc:** Hammonds, Justin A SAS <[Justin.A.Hammonds@usace.army.mil](mailto:Justin.A.Hammonds@usace.army.mil)>  
**Subject:** FW: Upper Oconee Wetland Bank

IRT,

I wanted to extend the invitation to participate by phone for the meeting I just scheduled for the proposed Upper Oconee MB. The sponsor (Corblu) is coming in to discuss the issues we addressed with their original proposal on the 15th of March at 10am. See the attached letter I sent last August. I would greatly appreciate your comments and input. Let me know if you would like to participate and I will setup a conference call or if you would like to come to the meeting.

Eric, I remember you saying you had a conflict of interest during our initial site visit. Is there someone else with EPA that could participate?

**Gill, Cassandra C CIV USARMY CESAS (US)**

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Referred to U.S. EPA, Region 4



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**Cc:** Hammonds, Justin A SAS <Justin.A.Hammonds@usace.army.mil>  
**Subject:** FW: Upper Oconee Wetland Bank

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